

Sir: We, your Committee on Education, to whom was referred House Bill No. 531, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 814, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 328, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred House Bill No. 478, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BULLOCK, Chairman.

Austin, Texas,
May 13, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred House Bill No. 369, wish to report the bill back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman.

Austin, Texas,
May 13, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred House Bill No. 824, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, but be not printed.

CARNEY, Chairman.

Austin, Texas,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. C. R. No. 110 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Chairman.

House Concurrent Resolution 110

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 110, Granting Balmorhea Ranches, Inc., permission to sue the State.

The resolution was read and was adopted.

Recess

On motion of Senator Weinert, the Senate, at 2:45 o'clock p. m., took recess until 10:30 o'clock a. m., tomorrow.

SIXTY-SEVENTH DAY Continued

(Thursday, May 15, 1947, Legislative Day of Tuesday, May 13, 1947 Continued.)

The Senate met at 10:30 o'clock a. m. and was called to order by the President.

Presentation of Flags to Senate

The President announced that Colonel George C. Hurt, Director of the University of Texas Longhorn Band, would at this time present to the Senate of Texas, on behalf of the Texas Longhorn Band, a group of seven flags.

The President appointed Senators Taylor, Aikin and Winfield as a committee to escort Colonel Hurt to the President's stand.

The President then presented Colonel Hurt to the Senate.

Colonel Hurt addressed the Senate briefly and presented to the Senate of Texas a group of flags, stating they were presented in memory of the standard bearers of the Texas Longhorn Band who have died in the service of their country.

The President thanked Colonel Hurt and accepted the flags on behalf of the Senate and the State of Texas.

Senate Concurrent Resolution 43

On motion of Senator Morris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. C. R. No. 43, Authorizing certain corrections in H. B. No. 21.

The resolution was adopted.

Senate Bill 426 on First Reading

Senator Kelly of Tarrant moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Proffer
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York
Lane	

Absent

Hazlewood	Ramsey
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Absent—Excused

Mauritz	Weinert
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The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence.

S. B. No. 426, A bill to be entitled "An Act to provide for the apportionment of Federal Estate Tax in

those cases where the tax is measured in part by the interest of the surviving spouse in community property."

(Senator Morris in the Chair.)

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred House Bill No. 27, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Austin, Texas,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 30, have had same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

Austin, Texas,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate Bill No. 421, have had same under consideration, and beg to report back favorably that it do pass and be printed.

BULLOCK, Vice Chairman.

Leave of Absence Granted

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Crawford.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

passed the following bills and resolutions:

H. C. R. No. 102, Memorializing Congress to equalize disability retirement benefit requirements for enlisted men and officers.

H. C. R. No. 114, Granting certain counties permission to sue the State.

H. C. R. No. 119, Authorizing James Davis to sue the State of Texas and the State Highway Department.

S. C. R. No. 42, Suspending Joint Rules insofar as Senate Bill No. 423 is concerned. (With amendment.)

H. C. R. No. 126, Granting each House permission to adjourn from Thursday, May 15, 1947, until Monday, May 19, 1947.

H. C. R. No. 128, Recalling House Bill No. 711 from the Senate.

The House has adopted the conference committee report on Senate Bill No. 362 by a vote of 109 yeas, 1 nay.

S. B. No. 167, To prohibit secondary strikes, secondary picketing, and secondary boycotts; defining terms; providing a penalty; providing damages; providing for the enforcement by authorizing injunctions; repealing all laws in conflict herewith; providing a savings clause; and declaring an emergency. (With amendment.)

S. B. No. 227, Amending Section 3, Article 6008a, Title 102, Vernon's Civil Statutes of the State of Texas, Annotated Revision of 1925, being Senate Bill No. 407, Acts of the 45th Legislature of the year 1937; by adding three (3) new and additional subdivisions thereto to be known as subdivisions (e), (f), and (g), which shall follow after subdivision "(d)," Section 3, Article 6008a, authorizing the use of gas from any well in a common reservoir producing both sweet and sour gas in the manufacture of carbon black without the prior extraction of its gasoline content provided such gas is utilized in a plant producing an average recovery of not less than one and one-half (1½) pounds of carbon black per thousand cubic feet of gas; etc., and declaring an emergency. (With amendment.)

The House has adopted the conference committee report on House Bill No. 34 by a vote of 95 yeas, 14 nays.

S. B. No. 269, Amending the anti-trust laws of the State of Texas by amending Article 1634 of the Penal Code of the State of Texas by adding subdivision 3 to provide that among other acts constituting a conspiracy in restraint of trade are those where any two or more persons, firms, corporations or associations of person shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with any goods, wares, merchandise, articles or products of any other person, firm, corporation or association of persons; etc., and declaring an emergency.

S. B. No. 276, Amending the anti-trust laws of the State of Texas by amending Article 7428 of the Revised Civil Statutes of the State of Texas by adding subdivision 3 to provide that among other acts constituting a conspiracy in restraint of trade are those where any two or more persons, firms, corporations, or associations of persons shall agree to boycott or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with any goods, wares, merchandise, articles or products of any other persons, firms, corporations or association of persons; etc., and declaring an emergency.

H. C. R. No. 131, Suspending the Joint Rules so as to allow the House of Representatives to consider Senate and House local and uncontested bills after 4:00 p. m., Thursday, May 15, 1947.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Report of Conference Committee on House Bill 34

Senator Vick submitted the following report:

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, the members of your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 34, have met and had same under consideration and

recommend that House Bill No. 34 be passed in the form attached hereto.

Respectfully submitted,

VICK
LANE
MORRIS
CARNEY
HARRIS

On the part of the Senate.

MOORE
WILLIAMSON
SALLAS
FLY

On the part of the House.

By: Moore of Harris, et al.

H. B. No. 34

A BILL

To Be Entitled

"An Act creating a Firemen's and Policemen's Civil Service in cities having a population of ten thousand (10,000) inhabitants or more; defining certain terms used in said Act; providing for a Firemen's and Policemen's Civil Service Commission and providing the method whereby the same shall be appointed and the qualifications of the Commissioners; providing for the organization of said Commission; providing for the powers of said Commission; providing that said Commission shall make rules and regulations pertaining to Firemen and Policemen and that said rules and regulations shall prescribe the cause for removal or suspension of employees of the Fire and Police Departments; providing certain grounds for removal of employees of Fire and Police Departments; providing for the position of Director of Civil Service; providing for the office space for said Commission; providing for the removal of the Director of Civil Service; providing for the Civil Service classification of Firemen and Policemen; providing for the examination for eligibility lists; providing the method of filling positions of the Fire Department and Police Department; providing for the certification of employees; providing for probationary and full-fledged Firemen and Policemen; providing for notice of examinations; providing for promotions in the Fire Department and Police Department; providing for the Civil Service rights of Department Heads; providing for suspension and reinstatement of Firemen and Policemen, and the method of procedure in connection therewith; providing certain additional rules of procedure before

the Commission; providing for an appeal to the District Court; providing for the procedure in demotions; providing for disciplinary suspensions; providing for reduction of force and reinstatement list; prohibiting certain political activities of Firemen and Policemen; providing for requiring publishing of rules, regulations and lists; providing for status of present employees; providing certain penalties; providing sick and injury leaves; providing that Firemen and Policemen shall not be permitted to strike or take any part in any sympathetic strike, and providing penalties therefor; providing that special elections shall be called ninety days (90) after the effective date of this Act, in each city, to determine if cities shall adopt the provisions of this Act; and providing the manner in which the provisions of this Act may be resubmitted to the people annually thereafter; and providing the manner in which cities adopting this Act may submit the matter to the people for a repeal thereof at an election to be held for that purpose; providing for a repealing and saving clause; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. Creation of Firemen's and Policemen's Civil Service. There is hereby established in all cities in this State having a population of ten thousand (10,000) or more inhabitants, according to the last preceding Federal Census, and having a paid Fire Department and Police Department, a Firemen's and Policemen's Civil Service.

Sec. 2. Definitions. By the term "Fireman" is meant any member of the Fire Department who draws compensation for his service as a member of said Department. By the term "Policeman" is meant any member of the Police Department who draws compensation for his services as a member of said Department. By the term "Commission" as used herein is meant the Firemen's and Policemen's Civil Service Commission. The term "Director" means Director of Firemen's and Policemen's Civil Service.

Sec. 3. Firemen's and Policemen's Civil Service Commission. There is hereby established in all such cities a Firemen's and Policemen's Civil Service Commission, which shall consist of three (3) members, to be selected as follows: Members of the Commission shall be appointed by

the chief executive of any such City, and such appointment shall be confirmed by the City Council or Legislative body of any such City before any such appointments shall be effective. Of the first three (3) Commissioners so selected under the provisions of this Act to comprise the Commission, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, and one (1) shall be appointed for a term of three (3) years. Thereafter the term of office of each Commissioner shall be for three (3) years, or until a successor is appointed, confirmed, and qualified. Any such vacancies in said Commission, caused by death, resignation, or otherwise, or by failure of any appointee to qualify within ten (10) days after appointment, shall be filled in the manner hereinabove specified, and such appointment shall be for the unexpired term of the retiring Commissioner or the Appointee failing to qualify.

All such Commissioners shall be of good moral character, resident citizens of the particular city for which they are appointed, shall have resided in said City for a period of more than three (3) years, shall each be over the age of twenty-five (25) years, and shall not have held any public office within the preceding three (3) years.

It is provided however, that in all such cities which have in existence a Civil Service Commission, that said Civil Service Commission shall constitute the Firemen's and Policemen's Civil Service Commission of that City, but said Commissioner shall administer the Civil Service of Firemen and Policemen in accordance with this law.

It is further provided that in any such City which has in existence a Civil Service Commission, the appointment of members to such Civil Service Commission shall be made in conformity with provisions of this Act, after the expiration of presently existing term or terms of the members comprising such Civil Service Commission and, if necessary, in such cities having staggered terms of membership on such Civil Service Commission, the first appointment made under the provisions of this Act shall be made for terms of such number of years less than three (3) as will cause a staggered or rotating

system of terms to conform with the provisions of this Act.

Sec. 4. Organization of Commission. The Commissioners shall within ten (10) days after the qualification of the membership, and annually thereafter during the month of January, elect a Chairman and a Vice-Chairman.

Sec. 5. Powers of Commission. Two (2) members of the said Commission shall constitute a quorum to transact business. The Commission shall make such rules and regulations for the proper conduct of its business as it shall find necessary and expedient, provided that no rules or regulations shall ever be adopted which will permit the appointment or employment of any person without good moral character; or any person unfit mentally or physically; or any person incompetent to discharge the duties of such appointment or employment. Such rules and regulations shall prescribe what shall constitute cause for removal or suspension of Firemen or Policemen, but no rule for the removal or suspension of such employees shall be valid unless it involves one or more of the following grounds:

Conviction of a felony or other crime involving moral turpitude; violations of the provisions of the charter of said city; acts of incompetency; neglect of duty; discourtesy by said employee to the public or to fellow employees while said employee is in line of duty; acts of said employees showing a lack of good moral character; drinking of intoxicants while on duty, or intoxication while off duty; or whose conduct was prejudicial to good order; refusal or neglect to pay just debts; absence without leave; shirking duty, or cowardice at fires; violation of any of the rules and regulations of the Fire Department or Police Department or of special orders, as applicable.

Sec. 6. Director of Civil Service. There is hereby created the office of Director of Firemen's and Policemen's Civil Service, which shall be filled by the appointment of the Commission of some person meeting the same requirements as hereinabove provided for members of the Commission. Said Director may be either a member of the Commission, another employee of said city, or some other person. The Legislative body of such City shall determine what salary, if any, shall be paid to such Director.

Said Director shall at all times, be subject to removal by the Commission. He shall serve as Secretary to the Commission, and shall perform all such work incidental to the Firemen's and Policemen's Civil Service as may be required of him by the Commission.

It is provided, however, that in those cities which have a duly and legally constituted Director of Civil Service, by whatever name he may be called, said Director shall be the Director of the Firemen's and Policemen's Civil Service, but he shall administer Civil Service pertaining to Firemen and Policemen in accordance with this law.

Sec. 7. Office Space. The City Council or governing body of any such city shall provide adequate and suitable office space for the conduct of the business of the Commission.

Sec. 8. Classification of Firemen and Policemen. The Commission shall provide for the classification of all Firemen and Policemen. Such classification shall be provided by ordinance of the City Council, or Legislative body. Said City Council, or Legislative body, shall prescribe by ordinance, the number of positions of each classification.

Firemen and Policemen shall be classified as above provided, and shall be under Civil Service protection except the Chief or head of such Fire Department or Police Department, by whatever name he may be known.

Said Chiefs or Department Heads shall be appointed by the Chief Executive, and confirmed by the City Council or Legislative body except in cities where the Department Heads are elected.

Sec. 9. Examination for Eligibility Lists. The Commission shall make provisions for open, competitive, and free examinations for persons making proper application and meeting the requirements as herein prescribed and as provided by the Commission in its rules and regulations for positions on an eligibility list, from which such vacancies in the Fire Department and Police Department shall be filled.

Such examinations shall, in addition to questions of general knowledge, provide for a thorough inquiry into the applicant's knowledge of and qualifications for fire fighting and work in the Fire Department, or for police work and work in the Police Department.

An applicant who has served in the armed services of the United States and who received an honorable discharge shall receive five (5) points in addition to his competitive grade.

Appropriate physical examination shall be required.

That all police officers coming under this Act must be able intelligently to read and write.

Sec. 10. Method of Filling Positions. When a vacancy occurs in the Fire Department or Police Department, the Fire Chief or head of the Fire Department or the Police Chief or head of the Police Department shall request in writing from the Commission the names of suitable persons from the eligibility list, and the Director shall certify to the chief executive of said City, the names of three (3) persons having the highest grades on the eligibility list, and the said chief executive shall thereupon make an appointment from said three (3) names. The appointment shall be of the person with the highest grade, except there be a valid reason why such appointment should be given to the one making the second or third highest grade. Whenever such appointment is made of one not holding the highest grade, such reasons shall be reduced to writing and filed with the Commission, and there shall be set forth plainly and clearly good and sufficient reasons why said appointment was not made to the person holding the highest grade in the event the one holding the third highest grade shall receive the appointment. In the event the person holding the highest is not certified for the appointment, he shall be furnished with a copy of the reasons therefor as filed with the Commission, and in the event the one having the third highest grade is appointed a copy of such reasons shall also be furnished to the one holding the second highest grade. This Section shall be limited by the other provisions hereof relating to promotions.

Sec. 11. Certification of Employees. Whenever a person is certified and appointed in the said Fire Department or Police Department, the Director shall forward a record of the person so certified and appointed to the Fire Chief or head of the Department or Police Chief or head of that Department, forward a similar copy to the chief executive, and retain a copy in the civil service files. The record shall show: The date notice of exami-

nation was posted, date on which person certified took examination to be placed on eligibility list, name of person or persons conducting examination, relative position of person on eligibility list, date when person certified took physical examination, name of physician making examination, with information as to whether or not applicant was accepted or rejected, date on which request for filling such vacancy was made, date on which applicant was notified to report for duty and date on which his pay is to start. If the Director shall willfully fail to comply with any provisions of this Section, it shall be the duty of the Commission to forthwith remove him from office. The failure however, of the Director of civil service to comply with any of the provisions of this Section shall in no way impair the civil service standing of any employee.

Sec. 12. Probationary and Full-fledged Firemen and Policemen. A person who has received appointment to the Fire Department or Police Department hereunder, shall serve a probationary period of six (6) months. During such probationary period, it shall be the duty of the Fire Chief or head of the Fire Department or Police Chief or head of the Police Department to discharge all firemen or policemen whose appointments were not regular, or not made in compliance with the provisions of this Act, or of the rules or regulations of the Commission, and to eliminate from the pay rolls any such probationary employee. When firemen or policemen, however, have served the full probationary period, they shall automatically become full-fledged civil service employees, shall have full civil service protection, the regularity of their appointment shall be presumed, and in any civil service hearing involving the removal or suspension of such employees, the sole inquiries shall be as to the truth or falsity of the specific charges filed against said employees by the Department head, as to the sufficiency of said charges, and as to what punishment, if any, should be administered. All positions in the Fire Department, except that of Chief or head of the Department, and in the Police Department, except that of Chief or head of that Department, shall be classified by the Commission and the positions filled from the eligibility lists as provided herein.

All offices and positions in the Fire Department or Police Department shall be established by ordinance of the City Council or governing body, provided, however, if the officer or employee shall have been permitted to serve the six (6) months probationary period, the service of said officer or employee shall ipso facto constitute the creation of the said position or office under a civil service classification.

Sec. 13. Notice of Examinations. Ten (10) days in advance of any entrance examination or examination for promotion, the Commission shall cause to be posted on a bulletin board located in the main lobby of the City Hall, and the office of the Commission, and in plain view, a notice of such examination, and said notice shall show the position to be filled or for which examination is to be held, with date, time and place thereof, and in case of examination for promotion, copies of such notice shall be furnished in quantities sufficient for posting in the various stations or sub-departments in which position is to be filled. No one under eighteen (18) years of age shall take any entrance examination, and thirty-five (35) years shall be the maximum age for entrance into the Fire Department or Police Department.

Sec. 14. Promotions. The Commission shall make rules and regulations governing promotions, and in such rules and regulations shall make due provisions for extra credit for seniority. The Commission shall provide for promotional examination and for the creation of promotional eligibility lists. Said promotional examinations shall relate to the knowledge and qualifications of the applicant as to fire fighting and to work of the Fire Department, and as to police work and the work of the Police Department. The Commission shall adopt rules and regulations allowing a reasonable number of points for efficiency, which may be considered in the grading of applicants in examinations for a higher position or promotion in rank. Promotions shall be made from the three (3) having the highest grade on said particular promotional eligibility list as it provided for original appointments set forth in Section 10 hereof. No person shall be eligible for promotion unless he has served in such Department for at least two (2) years immedi-

ately preceding the date of such promotional examination, in the next lower position to that for which such examination is to be held, and no person with less than four (4) years actual service in such Department shall be eligible for promotion to the rank of Captain. The appointment of the Chief or head of the Fire Department or the Chief or head of the Police Department shall be made from the personnel of the Departments. In all cities having a population of ten thousand (10,000) or more inhabitants, according to the last preceding Federal census, and having a paid Fire Department or Police Department, no one shall be appointed as the Chief or head of such Department who has not had at least five (5) years immediate actual service in some Fire Department or Police Department within the State of Texas. The Chief or head of the Fire Department or Police Department shall be appointed by the Chief Executive of said City, and shall be confirmed by the City Council or Legislative Body.

Sec. 15. Civil Service Rights of Department Heads. When the services of the Chief or head of the Fire Department or Police Department are terminated as such and he is removed as such Department head, he shall be reinstated in the Department and placed in a position no lower than the rank he held at time of appointment, and he shall retain all rights of seniority in the Department; provided, that should such Department head be charged with an offense in violation of civil service rules, and be dismissed from the public service, or be discharged from his position before the Commission, and in the same manner and under the same conditions as may classified employees, and if the Commission should find such charges to be untrue, or unfounded, said employee shall thereupon immediately be restored to the Department as above provided, and said employee shall enjoy all the rights and privileges thereunder according to seniority, and shall be paid his full salary for the time of suspension.

Sec. 16. Indefinite Suspensions. The Chief or head of the Fire Department or Police Department of the city government shall have the power to suspend indefinitely any officer or employee under his supervision or jurisdiction for the violation of civil

service rules, but in every such case the officer making such order of suspension shall, within forty-eight (48) hours thereafter, file a written statement with the Commission, giving the reasons for such suspension, and immediately furnish a copy thereof to the officer or employee affected by such act, said copy to be delivered in person to such suspended officer or employee by the said Department head. Said order of suspension shall inform the employee that he has ten (10) days after receipt of a copy thereof, within which to appeal to the Commission. Any officer or employee in the Fire or Police Department so suspended shall have the right to appeal, hold an inquiry, and within ten (10) days after such inquiry render a decision stating whether or not the suspended employee shall be permanently or temporarily dismissed from the Fire Department or Police Department or be restored to his former position or status in the classified service in the Department. In the event that such suspended employee is restored to the position or class of service from which he was suspended, such employee shall receive full compensation at the rate of pay provided for the position or class of service from which he was suspended, for the actual time lost as a result of such suspension. All hearings of the Commission in case of such suspension shall be public.

The written statement above provided to be filed by the Department head with the Commission, shall not only point out the civil service rule alleged to have been violated by the suspended employee, but shall contain the alleged acts of the employee which the Department head contends are in violation of civil service rules. It shall not be sufficient for the Department head merely to refer to the provisions of the rules alleged to have been violated and in case the Department head does not specifically point out the act or acts complained of on the part of such employee, it shall be the duty of the Commission promptly to reinstate him. In any civil service hearing hereunder, the Department head is hereby restricted to his original written statement and charges, which shall not be amended, and no act or acts may be complained of by said Department head which did not happen or occur within six (6) months immediately preceding the date of suspension by the Department head. No

employee shall be suspended or dismissed by the Commission except for violation of the civil service rules, and except upon a finding by the Commission of the truth of the specific charges against such employee.

In the event the Commission orders that such suspended employee be restored to his position as above provided, it shall be the duty of the Department head immediately to reinstate him as ordered and in event the Department head fails to do so, the employee shall be entitled to his salary just as though he had been regularly reinstated.

In the event such Department head wilfully refuses to obey the orders of reinstatement of the Commission, and such refusal persists for a period of ten (10) days, it shall be the duty of the chief executive or legislative body of the City to discharge such Department head from his employment with the City.

The Commission may punish for contempt any Department head who wilfully refuses to obey any lawful order of reinstatement of the Commission, and such Commission shall have the same authority herein to punish for contempt as has the Justice of the Peace.

Sec. 17. Procedure Before Commission. In order for a Fireman or Policeman to appeal to the Commission, it shall only be necessary for him to file within ten (10) days with the Commission a statement denying the truth of the charge as made, or a statement taking exception to the legal sufficiency of such charges and asking for a hearing by the Commission. In all hearings, of every kind and character, the employee shall have the right to be represented by counsel, the witnesses may be placed under the rule. All such hearings shall be public. The Commission shall have the authority to issue subpoenas for the attendance of witnesses.

Sec. 18. Appeal to District Court. In the event any Fireman or Policeman is dissatisfied with the decision of the Commission, he may, within ten (10) days after the rendition of such final decision, file a petition in the District Court, asking that his order of suspension or dismissal be set aside, that he be reinstated in the Fire Department or Police Department, and such case shall be tried de novo. Such cases shall be advanced on the docket of the District Court,

and shall be given a preference setting over all other cases.

Sec. 19. Demotions. Whenever the head of the Fire Department or Police Department may desire the demotion to a lower rank of any officer or employee under his supervision or jurisdiction, such Department head may recommend in writing to the Commission that such employee be so demoted, giving his reasons therefor, and requesting that the Commission make such order of demotion, furnishing a true copy of such recommendation immediately, in person, to the employee to be affected by such demotion. Said Commission shall have the authority to refuse to grant said request for demotion. If, however, said Commission feels that probably cause exists for said demotion, they shall give such employee ten (10) days advance written notice to appear before them at a time and place specified in said written notice to the employee, and said employee shall have the right to a full and complete public hearing upon such proposed demotion. The Commission shall not demote any employee without such hearing.

Sec. 20. Disciplinary Suspensions. The head of either the Fire or Police Department shall have the power to suspend any officer or employee under his jurisdiction or supervision for disciplinary purposes, for reasonable periods, not to exceed fifteen (15) days; provided, that in every such case, the Department head shall file with the Commission within forty-eight (48) hours, a written statement of action, and the Commission shall have the power to investigate and to determine whether just cause exists therefor. In the event the Department head fails to file said statement with the Commission within forty-eight (48) hours, the suspension shall be void and the employee shall be entitled to his full salary. The Commission shall have the power to reverse the decision of the Department head and to instruct him immediately to restore such employee to his position. In the event such Department head refuses to obey the order of the Commission, then the provisions with reference to salaries of the employees and to the discharge of the Department head as well as the other provisions of Section 16, pertaining to such refusal of the Department head, shall apply.

Sec. 21. Reduction of Force—Re-

instatement List. In the event that any position in the Fire Department or Police Department is vacated or abolished by ordinance of the City Council, or legislative body, the employee holding such position shall be demoted to the position next below the rank of the position so vacated or abolished; provided that when any position or positions of equal rank may be abolished or vacated, the employee or employees with the least seniority in the said rank shall be the one or ones who are demoted. In the event positions in the lowest classification are abolished or vacated, and it thereby becomes necessary to dismiss employees from the Department, the employee with the least seniority shall be dismissed, but such employees as are involuntarily separated from the Department without charges having been filed against them for violation of civil service rules, shall be placed on the reinstatement list in the order of their seniority. The reinstatement list shall be exhausted before appointments are made from the eligibility list. Appointments from reinstatement list shall be in the order of seniority. Those who shall have been on any such reinstatement list for a period of three (3) years shall be dropped from such list but shall be reinstated upon request from the Commission.

Sec. 22. Political Activities. Employees in the Fire Department or Police Department shall not be permitted to take an active part in any political campaign of another for an elective position of the City. The term active part means making political speeches, passing out cards, or other political literature, writing letters, signing petitions, actively and openly soliciting votes and making public derogatory remarks about candidates for such elective positions.

Sec. 23. Publishing of Rules. The Commission shall cause to be published all rules and regulations which may be promulgated by it, and shall publish classification and seniority lists for each Department, and such rules and regulations and lists shall be made available upon demand.

Sec. 24. Status of Present Employees. Firemen or Policemen in the actual service of each City affected hereby, at the time of the final passage of this Act, and entitled to civil service classification, shall enjoy the status of civil service employees without having to take any competitive

examinations for the position occupied at the time, provided such Firemen and Policemen have been in the service of said City for more than six (6) months.

Sec. 25. Penalties. Any Chief Executive of such city who shall wilfully fail or refuse to appoint the civil service Commissioners provided for in Section 3 hereof, within sixty (60) days after this Act become effective, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200), and each day of delinquency in making said appointment shall constitute a separate offense. Any chief executive or any other City official who wilfully fails or refuses to put this Act into operation, or who shall wilfully attempt to obstruct the operation and enforcement of this Act, shall be guilty of a misdemeanor and shall be fined not less than One Hundred Dollars (\$100) nor more than Two Hundred (\$200) Dollars for each offense.

The provisions of this Section shall not be deemed in conflict with the provisions of Section 16, but the exception as stated therein shall apply herein.

Sec. 26. Sick and Injury Leaves of Absence. Permanent and temporary employees in the classified service shall be allowed a total of sick leave with full pay computed upon a basis of one full working day allowed for each full month employed in a calendar year, with an extra day added for each four (4) months, so as to total fifteen (15) working days to an employee's credit each twelve (12) months.

Employees shall be allowed to accumulate fifteen (15) working days or sick leave with pay in one calendar year.

Sick leave with pay may be accumulated to a total not exceeding (90) days, with the privilege of an extension of sick leave in case of exhaustion of time, providing that the said employee can conclusively prove that such illness was incurred while in performance of his duties.

In the event that an employee of the Fire or Police Department for any reason leaves the classified service he shall remain on the pay roll until his accumulated sick leave is all used.

Provided that all such cities coming under the provisions of this Act

shall provide injury leaves of absence with full pay for periods of time commensurate with the nature of injuries received while in line of duty for at least one (1) year. At the expiration of said one-year period, the city council or governing body may extend such injury leave, at full or reduced pay, provided that in cities that have a Firemen's or Policemen's Pension Fund, that if said injured employee's salary should be reduced below sixty per cent (60%) of his regular monthly salary, said employee shall be retired on pension until able to return to duty.

Sec. 27. Firemen or Policemen Prohibited from Striking. It shall be unlawful from and after the passage of this Act for any Firemen or Policemen, coming under the provisions of this Act, to engage in any strike against the agency of the government by which they are employed.

Firemen or Policemen, coming under the provisions of this Act, who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and shall, after conviction, be fined not less than Ten Dollars (\$10) or more than One Hundred Dollars (\$100), or by confinement in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

And in addition to such fine and imprisonment, any Fireman or Policeman who has been convicted of the violation of the provisions of this Section of this Act shall thereby be automatically released and discharged from such Police or Fire Department and shall thereafter be ineligible to receive any pay or compensation out of any public funds provided for the support of such Police or Fire Department.

Sec. 27 (a). Provided, however, that the provisions of this Act shall not apply to any city unless first determined at an election which shall be called within ninety (90) days from the effective date of this Act, to be held in accordance with the State law and the city charter, at which the adoption or rejection of this Act shall be submitted at such election; if at such election a majority of the people voting shall favor the adoption of the provisions of this Act, it shall thereafter become the duty of said governing body to put into effect the provisions of this Act. In the event a majority of the voters in any such election reject

the adoption of this Act, then such matter shall not be resubmitted to the electors for a period of one year; and thereafter, the same may be resubmitted upon a petition signed by qualified voters in said city in number not less than 5% of the total number voting in the last preceding city election, upon the filing of which the city governing body shall again resubmit the question of the adoption or rejection of this Act.

Sec. 27 (b). In any city in which the provisions of this Act have been in effect for a period of five (5) years, if a petition of ten per cent (10%) of the qualified voters of such city shall be presented to the governing body of such city to call an election for the repeal of the provisions of this Act, then and in that event, the governing body of such city shall call an election of the qualified voters to determine if they desire the repeal of such provisions. Should a majority of the qualified voters so vote to repeal the provisions of this Act, then the provisions shall become null and void as to such city.

Sec. 28. Repeal and Savings Clause. This Act shall supersede all other civil service pertaining to Firemen and Policemen in the Cities covered hereby. If any section, paragraph, portion, sentence, line, phrase, clause, or word of this Act should be held to be unconstitutional or invalid, then such unconstitutionality or invalidity of any other section, paragraph, portion, sentence, line, phrase, or word hereof, and it is hereby declared to be the legislative intent that each and all of the said portions as above specified that are not held to be unconstitutional or invalid, shall be and remain in full force and effect, just as though said unconstitutional or invalid portions, if any, were eliminated from the text of this Act.

Sec. 29. Emergency Clause. The fact that there is now no statutory provision dealing with this subject matter of this Act, and the fact that the passage of this Act will promote greater efficiency in the Fire Department and Police Department involved herein, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Senate Bill 427 on First Reading

Senator Stanford moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

Absent

Ramsey	Taylor
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Absent—Excused

Mauritz	Weinert
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The following bill then was introduced, read first time, and referred to the Committee on Finance.

S. B. No. 427, A bill to be entitled "An Act making an emergency appropriation for the Supreme Court of Texas for the remainder of the fiscal year ending August 31, 1947, and declaring an emergency."

House Joint Resolution 13 on Passage to Third Reading

The Presiding Officer laid before the Senate, as pending business, on its passage to third reading:

H. J. R. No. 13, A joint resolution amending Section 15 of Article XVI of the Constitution of the State of Texas, by adding thereto a provision that the husband and wife from time to time may in writing partition between themselves in severalty or into undivided interests all or any part of their community property, whereupon without prejudice to the right of existing creditors the portion or interest set aside to each spouse shall be

and constitute a part of the separate property of such spouse; further providing that such Constitutional Amendment if adopted shall be self-operative and self-executing; providing for the submission of this Amendment to the voters of this State; prescribing the form of ballot; providing for the proclamation and publication thereof; and providing for the necessary appropriation to defray the necessary expenses for the submission of this Amendment.

The resolution having been read second time on yesterday.

Question—Shall the resolution be passed to third reading?

Yeas and nays were demanded.

The resolution was passed to third reading by the following vote:

Yeas—23

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Stanford
Cousins	Stewart
Crawford	Strauss
Harris	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Winfield
Knight	York
Lane	

Nays—4

Hardeman	Proffer
Jones	Vick

Absent

Hazlewood	Ramsey
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Absent—Excused

Mauritz	Weinert
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House Joint Resolution 13 on Third Reading

Senator Tynan moved that the constitutional rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 13 be placed on its third reading and final passage.

Yeas—23

Aikin	Cousins
Brown	Crawford
Bullock	Harris
Carney	Kelley of Hidalgo
Chadick	Kelly of Tarrant

Knight	Stewart
Lane	Strauss
Moffett	Taylor
Morris	Tynan
Phillips	Winfield
Proffer	York
Stanford	

Nays—3

Hardeman	Vick
Jones	

Absent

Hazlewood	Ramsey
Parrish	

Absent—Excused

Mauritz	Weinert
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The Presiding Officer then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—23

Aikin	Moffett
Brown	Morris
Bullock	Parrish
Carney	Phillips
Chadick	Stanford
Cousins	Stewart
Crawford	Strauss
Harris	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Winfield
Knight	York
Lane	

Nays—4

Hardeman	Proffer
Jones	Vick

Absent

Hazlewood	Ramsey
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Absent—Excused

Mauritz	Weinert
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House Concurrent Resolution 102

On motion of Senator Cousins, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 102, Memorializing Congress to equalize disability payments to veterans.

The resolution was read and was adopted.

House Concurrent Resolution 126

The Presiding Officer laid before

the Senate for consideration at this time:

H. C. R. No. 126, Granting each House permission to adjourn from Thursday, May 15, 1947, until Monday, May 19, 1947.

The resolution was read and was adopted.

House Concurrent Resolution 128

The Presiding Officer laid before the Senate for consideration at this time:

H. C. R. No. 128, Recalling H. B. No. 711 from the Senate.

The resolution was read and was adopted.

House Bill 111 on Second Reading

On motion of Senator Tynan, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 111, A bill to be entitled "An Act providing that a husband and wife may by written agreement partition or exchange between themselves any part or all of their community property so that the former community interest of each spouse shall thereafter constitute the separate property of each spouse; and providing the terms under which such agreements may be made; providing that such instrument must be recorded in order to be effective against innocent purchasers for value; and repealing all Acts or parts of Acts in conflict herewith to the extent of such conflict only; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 111 on Third Reading

Senator Tynan moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 111 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Cousins
Brown	Crawford
Bullock	Hardeman
Carney	Harris
Chadick	Jones

Kelley of Hidalgo	Stanford
Kelly of Tarrant	Stewart
Knight	Strauss
Lane	Taylor
Moffett	Tynan
Morris	Vick
Parrish	Winfield
Phillips	York
Proffer	

Absent

Hazlewood	Ramsey
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Absent—Excused

Mauritz	Weinert
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The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 571, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 230, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 672, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred House Bill No. 760, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

JONES, Chairman.

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 495, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

TYNAN, Chairman.

House Bill 183 on Second Reading

On motion of Senator Carney, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 183, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State Treasury to the credit of the Special Game Fund, the Special Fish Propagation and Protection Fund, the Sand, Shell and Gravel Fund, Fish and Oyster Fund, the Medina Lake Fund, the Lake Worth-Eagle Mountain Lake Fund, to a single fund in the State Treasury to be known as the Special Game and Fish Fund; providing that moneys collected for the purposes for which said funds were created be deposited in the State Treasury to the credit of the Special Game and Fish Fund; designating purposes for which such moneys may be used; providing for disposition of money collected for sale of property purchased out of said funds; providing for an effective date of this Act; providing for expenditures; repealing conflicting laws; expressly retaining purposes of present fund expenditures; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 183 on Third Reading

Senator Carney moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that House Bill No. 183 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

(President in the Chair.)

House Bill 813 on Second Reading

On motion of Senator Harris, and

by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 813, A bill to be entitled "An Act to create Dallas County Park Cities Water Control and Improvement District No. 2, embracing lands in the County of Dallas, State of Texas, as a conservation and reclamation district and body politic and corporate under Section 59, Article 16, of the Constitution, and defining its boundaries, which boundaries include the present Dallas County Park Cities Water Control and Improvement District No. 2, and additional territory; prescribing the purposes of said District; providing that the present Dallas County Park Cities Water Control and Improvement District No. 2 be merged into and made a part of the District hereby created; providing for a Board of Directors of the District hereby created; providing said District shall have and exercise such rights, privileges and functions conferred by the general statutes on water control and improvement districts operating under Section 59, Article 16 of the Constitution; etc., and declaring an emergency."

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Amend House Bill No. 813 by Hanna, Sec. 2, line 4, page 4, by striking out the word "power."

The amendment was adopted.

Senator Harris offered the following amendment to the bill:

Amend House Bill No. 813 by Hanna, by striking out the word "may" on line 20, page 2.

The amendment was adopted.

On motion of Senator Harris, and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

House Bill 813 on Third Reading

Senator Harris moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 813 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz Weinert

House Bill 835 on Second Reading

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 835, A bill to be entitled "An Act authorizing certain counties to construct, acquire, improve, operate and maintain causeways, bridges, tunnels, or combinations thereof, in, over, through or under the waters of the Gulf of Mexico, or any bay or inlet opening thereinto; authorizing the issuance of revenue bonds for the financing of the same; authorizing the acquisition of property to be used in connection therewith; providing for certain items to be included in the cost thereof; authorizing the acquisition of existing ferry properties and the operation thereof during the period of construction of such project; providing for the repayment of preliminary expenses paid from county funds and the reimbursement of such funds from the proceeds of bonds issued hereunder; validating all engineering and fiscal contracts and agreements heretofore made in connection with such projects; providing that nothing in this Act shall authorize the construction of a bridge over a channel or waterway with a depth of twenty feet or more; making various provisions with respect thereto and with respect to the security and enforcement of such bonds, including provisions for the execution of trust indentures, for the appointment of receivers for such projects, and for the deposit and security of funds in banks and trust companies; providing for approval of such bonds by the Attorney General; authorizing such counties to exercise the rights of condemnation in the manner provided; etc., and declaring an emergency."

The bill was read second time, and was passed to third reading.

House Bill 835 on Third Reading

Senator Kelley of Hidalgo moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 835 be placed on its third reading and final passage.

The motion prevailed by the following vote;

Yeas—27

Aikin	Hardeman
Brown	Harris
Bullock	Hazlewood
Carney	Jones
Chadick	Kelley of Hidalgo
Cousins	Kelly of Tarrant
Crawford	Knight

Lane	Strauss
Moffett	Taylor
Morris	Tynan
Parrish	Vick
Proffer	Winfield
Stanford	York
Stewart	

Nays—1

Phillips

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Proffer
Cousins	Stanford
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Winfield
Kelly of Tarrant	York
Knight	

Nays—1

Phillips

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

House Bill 742 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 742, A bill to be entitled "An Act making an appropriation from the General Fund to reimburse J. I. Driscoll, Clerk of the Court of Civil Appeals, Eighth Supreme Judicial District of Texas, for money paid to the Comptroller of the State

of Texas, properly belonging to him, through error, during the years 1939, 1940, 1941, 1942, 1943, 1944, 1945, and 1946; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 742 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 742 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

House Concurrent Resolution 131

The President laid before the Senate for consideration at this time:

H. C. R. No. 131, Suspending Joint Rules to permit the consideration of Local House and Senate Bills after 4 o'clock p. m., Thursday, May 15, 1947.

The resolution was read and was adopted.

Conference Committee on Senate Bill 391

The President announced the appointment of the following conference committee on the part of the Senate on S. B. No. 391: Senators Taylor, Aikin, Hardeman, Carney, and Parrish.

Message from the Governor

The following message received from the Governor today was laid before the Senate, read, and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 15, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the State Board of Medical Examiners for six year terms to expire April 13, 1953:

Dr. H. F. Connally of Waco, McLennan County;

Dr. M. H. Crabb of Fort Worth, Tarrant County;

Dr. N. D. Buie of Marlin, Falls County;

Dr. R. F. Peterson of Wichita Falls, Wichita County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Senate Bill 428 on First Reading

Senator Vick moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing

at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Ramsey

Absent—Excused

Mauritz

Weinert

The following bill then was introduced, read first time, and referred to the Committee on Civil Jurisprudence.

S. B. No. 428, A bill to be entitled "An Act adopting 'central standard time' as standard time in this State, and declaring an emergency."

House Bill 495 on Second Reading

On motion of Senator York, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 495, A bill to be entitled "An Act to amend Section 2, House Bill No. 903, Acts of the Regular Session of the Forty-sixth Legislature so as to make it possible for dishes, receptacles, or utensils to be sterilized with a chlorine solution; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend House Bill No. 495, Section 1, by striking out "(b) shall be soaked in chlorine solution of a strength of not less than one hundred (100) parts per million for not less than five (5) minutes," and inserting in lieu thereof, the following: "Immersion for at least 2 minutes in a lukewarm chlorine bath contain-

ing at least 50 ppm. of available chlorine if hypochlorites are used, or a concentration of equal bactericidal strength if chloramines are used. The bath shall be made up at a strength of 100 ppm. or more of hypochlorites and shall not be used after its strength has been reduced to 50 ppm.

Chlorine Solutions once used shall not be reused for bactericidal treatment on any succeeding day.

Where chlorine treatment is used a three-compartment vat shall be required, the first compartment to be used for washing, the second for plain rinsing, and the third for chlorine immersion; provided that for existing installations the second or rinsing compartment may be omitted if a satisfactory rinsing or spraying device is substituted."

The amendment was adopted.

The bill was passed to third reading.

House Bill 495 on Third Reading

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 495 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lane
Bullock	Moffett
Carney	Morris
Chadick	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Stanford
Harris	Stewart
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York

Absent

Brown	Strauss
Ramsey	

Absent—Excused

Mauritz	Weinert
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Report of Conference Committee on House Bill 10

Senator Lane submitted the following report:

Committee Room,
May 14, 1947.

Hon. Allan Shivers, President of the Senate.

Hon. W. O. Reed, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on House Bill No. 10 appointed by the President of the Senate and the Speaker of the House of Representatives respectively to adjust the differences between the two houses, beg leave to report that we have adjusted the differences between the House and the Senate and recommend the passage of the following bill:

H. B. 10 By Godard, Ridgeway,
Markle, et al.

A BILL

To Be Entitled

"An Act amending Sections 7, 8, 10, 11 and 12 of Article 8306, Revised Civil Statutes of 1925, as thereafter amended, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 7, 8, 10, 11 and 12 of Article 8306, Revised Civil Statutes of 1925, as amended, be, and same are hereby amended so as to hereafter read as follows:

"Sec. 7. During the first four weeks of the injury, dating from the date of its infliction, the association shall furnish reasonable medical aid, nursing, hospital services and medicines. During the fourth or any subsequent week, upon application of the attending physician certifying the necessity therefor to the Board and to the association, the Board may authorize additional medical attention and nursing not to exceed one (1) week, unless at the end of such additional week the attending physician shall certify to the necessity for another week of medical attention or nursing or so much thereof as may be needed, but in no event shall such medical attention or nursing be authorized for a period longer than ninety-one (91) days from date of injury. If the association fails to so furnish same as and when needed during the time specified after notice of the injury to the association or subscriber, the injured employee may pro-

vide said medical aid, nursing, hospital service or medicines at the cost and expense of the association. The employee shall not be entitled to recover any amount expended or incurred by him for said medical aid, nursing, hospital services or medicines, nor shall any person who supplied the same be entitled to recover of the association therefor, unless the association or subscriber shall have had notice of the injury and shall have refused, failed or neglected to furnish it or them within a reasonable time. At the time of the injury or immediately thereafter, if necessary, the employee shall have the right to call in any available physician or surgeon to administer first aid treatment as may be reasonably necessary at the expense of the association. During the fourth or any subsequent week of continuous total incapacity requiring the confinement to a hospital, the association shall, upon application of the attending physician or surgeon certifying the necessity therefor to the Industrial Accident Board and to the association, furnish such additional hospital services as may be deemed necessary not to exceed one week, unless at the end of such additional week the attending physician shall certify to the necessity for another week of hospital services or so much thereof as may be needed, but in no event shall such hospital services be authorized for a period longer than One Hundred Eighty days (180) from date of injury. Such additional hospital services as are herein provided shall not be held to include any obligation on the part of the association to pay for medical, nursing or surgical services not ordinarily provided by hospitals as a part of their services.

"Sec. 8. Death, Compensation for.

If death should result from the injury the association hereinafter created shall pay the legal beneficiaries of the deceased employee a weekly payment equal to sixty per cent of his average weekly wages, but not more than Twenty-five (\$25.00) Dollars nor less than Nine (\$9.00) Dollars per week, for a period of three hundred and sixty weeks from the date of the injury.

"Sec. 10. Total Incapacity, Compensation.

While the incapacity for work resulting from the injury is total, the association shall pay the injured employee a weekly compensation equal to sixty per cent of his average weekly

wages, but not more than Twenty-five (\$25.00) Dollars nor less than Nine (\$9.00) Dollars and in no case shall the period covered by such compensation be greater than four hundred and one weeks from the date of the injury.

"Sec. 11. Partial Incapacity, Compensation.

While the incapacity for work resulting from the injury is partial, the association shall pay the injured employee a weekly compensation equal to sixty per cent of the difference between his average weekly wages before the injury and his average weekly wage earning capacity during the existence of such partial incapacity, but in no case more than Twenty-five (\$25.00) Dollars per week. The period covered by such compensation shall be in no case greater than three hundred weeks; provided that in no case shall the period of compensation for total and partial incapacity exceed four hundred and one weeks from the date of injury.

"Sec. 12. Enumerated and Concurrent Injuries, Compensation; Partial Incapacity.

For the injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation except medical aid, hospital services and medicines as elsewhere herein provided, a weekly compensation equal to sixty per cent of the average weekly wages of such employee, but not less than Nine (\$9.00) Dollars per week nor exceeding Twenty-five (\$25.00) Dollars per week, for the respective periods stated herein, to-wit:

For the loss of a thumb, sixty per cent of the average weekly wages during sixty weeks.

For the loss of a first finger, commonly called the index finger, sixty per cent of the average weekly wages during forty-five weeks.

For the loss of a second finger, sixty per cent of the average weekly wages during thirty weeks.

For the loss of a third finger, sixty per cent of the average weekly wages during twenty-one weeks.

For the loss of a fourth finger, commonly known as the little finger, sixty per cent of the average weekly wages during fifteen weeks.

The loss of the second or distal phalange of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be

considered to be equal to the loss of the whole thumb.

The loss of the third or distal phalange of any finger shall be considered to be equal to the loss of one-third of such finger.

The loss of more than the middle and distal phalange of any finger shall be considered to be equal to the loss of the whole finger; provided that in no case shall the amount received for the loss of a thumb and more than one finger on the same hand exceed the amount provided in this schedule for the loss of a hand.

For the loss of the metacarpal bone (bone or palm) for the corresponding thumb, finger, or fingers above, add ten weeks to the number of weeks as above subject to the limitation that in no case shall the amount received for the loss or injury to any one hand be more than for the loss of the hand.

For ankylosis (total stiffness of) or contracture (due to scars or injuries) which make the fingers useless, the same number of weeks shall apply to such finger or fingers or parts of fingers (not thumb) as given above.

For the loss of a hand, sixty per cent of the average weekly wage during one hundred and fifty weeks.

For the loss of an arm at or above the elbow, sixty per cent of the average weekly wage during two hundred weeks.

For the loss of one of the toes other than the great toe, sixty per cent of the average weekly wages during ten weeks.

For the loss of the great toe, sixty per cent of the average weekly wages during thirty weeks.

The loss of more than two-thirds of any toe shall be considered to be equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half of the toe.

For the loss of a foot, sixty per cent of the average weekly wages during one hundred and twenty-five weeks.

For the loss of a leg, at or above the knee, sixty per cent of the average weekly wages during two hundred weeks.

For the total and permanent loss of the sight of one eye, sixty per cent of the average weekly wages during one hundred weeks.

In the foregoing enumerated cases of permanent, partial incapacity, it shall be considered that the permanent loss of the use of a member shall be

equivalent to and draw the same compensation as the loss of that member.

For the complete and permanent loss of the hearing in both ears, sixty percent of the weekly wages during one hundred and fifty weeks.

For the loss of an eye and leg above the knee, sixty per cent of the average weekly wages during a period of three hundred and fifty weeks.

For the loss of an eye and an arm above the elbow, sixty per cent of the average weekly wages during a period of three hundred and fifty weeks.

For the loss of an eye and a hand, sixty per cent of the average weekly wages during a period of three hundred and twenty-five weeks.

For the loss of an eye and a foot, sixty per cent of the average weekly wages during a period of three hundred weeks.

Where the employee sustains concurrent injuries resulting in concurrent incapacities, he shall receive compensation only for the injury which produces the longest period of incapacity; but this section shall not affect liability for the concurrent loss or the loss of the use thereof of more than one member, for which member compensation is provided in this schedule, compensation for specific injuries under this law shall be cumulative as to time and not concurrent.

In all cases of permanent partial incapacity it shall be considered that the permanent loss of the use of the member is equivalent to, and shall draw the same compensation as, the loss of that member; but the compensation in and by said schedule provided shall be in lieu of all other compensation in such cases.

In all other cases of partial incapacity, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of incapacity, taking into account among other things any previous incapacity, the nature of the physical injury or disfigurement, the occupation of the injured employee, and the age at the time of injury. The compensation paid therefor shall be sixty per cent of the average weekly wages of the employee but not to exceed Twenty-Five (\$25.00) Dollars per week, multiplied by the percentage of incapacity caused by the injury for such period not exceeding three hundred weeks as the board may determine. Whenever the

weekly payments under this paragraph would be less than Three (\$3.00) Dollars per week, the period may be shortened, and the payments correspondingly increased by the board."

"Sec. 2. The fact that on account of the greatly increased cost of living, the compensation provided for injured employees under the present law is inadequate, creates an emergency and a case of imperative public necessity that the Constitutional Rule be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted." Respectfully submitted,

GODARD
BLANKENSHIP
WILLIAMS
BROOKS
MURPHY

On the Part of the House.

LANE
COUSINS
CHADICK
MORRIS

On the Part of the Senate.

The report was read and was adopted.

Record of Vote

Senator Winfield asked to be recorded as voting "nay" on the adoption of the report.

Leave of Absence Granted

On motion of Senator Lane, Senator Strauss was granted leave of absence for the remainder of the day on account of important business.

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill No. 362, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Acting Chairman.

Austin, Texas,
May 15, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred Senate Bill 353, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

TYNAN, Acting Chairman.

Austin, Texas,
May 13, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred House Bill No. 425, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

HAZLEWOOD, Chairman.

Senate Resolution 104

(Extending Privileges of Floor)

Senator Hazlewood offered the following resolution:

Whereas, Mrs. Raymond Thompson and Mrs. John Van Meter and their charming children, Judy Thompson, Cynthia Thompson, and Johnie Van Meter from Vega, Texas, are in Austin visiting and observing the proceedings of the Legislature, now, therefore be it

Resolved, That they be extended a cordial welcome to our State Capitol by this Senate of the State of Texas, and be given the privileges of the floor on this the 15th day of May A. D., 1947.

The resolution was read and was adopted.

Senate Concurrent Resolution 44

Senator Stewart offered the following resolution:

S. C. R. No. 44, Instructing the Enrolling Clerk to make correction in H. B. No. 821.

Whereas, House Bill No. 821 has passed both the House and Senate; and

Whereas, In Amendment No. 2 of the Senate the wrong line reference was given; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, that

the Enrolling Clerk of the House be instructed to change Amendment No. 2 of the Senate to read "after the word 'donation' in line 16 of the caption to read 'for the purpose of this Act'" and notation made on the bill that it was passed subject to Section 49-a of Article III of the Constitution inasmuch as it reappropriates funds previously set aside for the M. D. Anderson Hospital for Cancer Research.

The resolution was read.

On motion of Senator Stewart, the resolution was considered immediately and was adopted.

House Bill 604 Re-referred

On motion of Senator Moffett, House Bill No. 604 was withdrawn from the Committee on Finance and re-referred to the Committee on Public Debts, Claims and Accounts.

Senate Resolution 105

Senator Phillips offered the following resolution:

Whereas, the Members of the Fiftieth Legislature of Texas were honorees at a reception and buffet supper tendered by the Management of Stephen F. Austin Hotel of Austin, Texas, and

Whereas, it is the desire of the Members of the Senate to express their appreciation of excellent program and delectable repast enjoyed by them on May 14, 1947; now, therefore, be it

Resolved by the Members of the Senate that their thanks and appreciation for the hospitality be extended the management of the hotel.

PHILLIPS
STANFORD.

The resolution was read and was adopted.

Senate Concurrent Resolution 42 With House Amendments

Senator Jones called S. C. R. No. 42 from the President's table for consideration of the House amendments to the resolution.

The President laid the resolution and House amendments before the Senate, and the House amendments were read.

On motion of Senator Jones, the Senate concurred in the House amendments.

Conference Committee on House Bill 244

Senator Taylor called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 244 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Taylor, Aikin, Hazlewood, Phillips, Winfield.

House Bill 790 on Second Reading

On motion of Senator Taylor, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 790, A bill to be entitled "An Act amending Senate Bill No. 317, Chapter 378, Acts of the 49th Legislature, Regular Session, as amended by Senate Bills Nos. 2 and 9, of the 50th Legislature, 1947, making an additional appropriation to the Executive Department and the Secretary of State to meet the additional expenses of said departments during and for the period of the last five (5) months of the fiscal year ending August 31, 1947; providing the purposes and amounts of said appropriations; making an appropriation to the Attorney General's Department for the last five (5) months of the fiscal year, ending August 31, 1947; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 790 on Third Reading

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 790 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Cousins
Bullock	Crawford
Carney	Hardeman
Chadick	Harris

Hazlewood	Proffer
Jones	Stanford
Kelley of Hidalgo	Stewart
Kelly of Tarrant	Strauss
Knight	Taylor
Lane	Tynan
Moffett	Vick
Morris	Winfield
Parrish	York
Phillips	

Absent

Brown Ramsey

Absent—Excused

Mauritz Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stanford
Hardeman	Stewart
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield
Knight	York
Lane	

Absent

Brown Ramsey

Absent—Excused

Mauritz Weinert

(Senator Morris in the Chair.)

House Bill 297 on Second Reading

Senator Tynan moved to suspend the regular order of business to take up House Bill No. 297 for consideration at this time.

Senator Chadick moved that the bill be set as a special order for June 15, 1947, immediately following the morning call.

Senator Harris raised a point of order against the motion of Senator Chadick on the ground that it is not a proper substitute for the motion by Senator Tynan.

The Presiding Officer sustained the point of order.

Question then recurring on the motion of Senator Tynan, it prevailed by the following vote:

Yeas—20

Aikin	Kelly of Tarrant
Brown	Parrish
Bullock	Phillips
Carney	Proffer
Cousins	Stanford
Crawford	Taylor
Harris	Tynan
Hazlewood	Vick
Jones	Winfield
Kelley of Hidalgo	York

Nays—8

Chadick	Moffett
Hardeman	Morris
Knight	Stewart
Lane	Strauss

Absent

Ramsey

Absent—Excused

Mauritz Weinert

The Presiding Officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 297, A bill to be entitled "An Act to amend Article 883 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new provision to be known as 'Article 883 (a)' providing for the declaration of the reasonable value of household goods; personal effects and used office furniture and equipment by the shipper, owner or his agent at the time same are tendered to specialized motor carriers or other carriers for hire for transportation; fixing the liability in damages of such carriers for the loss, destruction, damage or delay in transit of such property; providing the Railroad Commission of Texas shall approve and establish adequate rates consistent with such declared values; that if the Railroad Commission fails or refuses to approve and establish such rates then it shall be the duty of such carrier to assess and collect reasonable transportation charges consistent with the declared value of such property; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

(President in the Chair.)

Senator Chadick submitted the following point of order in writing:

Austin, Texas,
May 15, 1947.

Mr. President:

I make the point of order that H. B. No. 297 cannot be taken up for consideration at this time as I have heretofore and do now object to such consideration because said bill has not been printed and a copy thereof laid on the desk of each Senator in accordance with the provisions of Rule 38 of the Senate Rules, and to consider said bill at this time over my objection is a violation of Rule 38, as the committee report of said bill shows it has not been printed and the Senate has not ordered that the bill be not printed.

The President overruled the point of order, and submitted the following statement in explanation of his ruling:

Although Senate Rule 38 clearly calls for the printing of all general bills and distribution of the printed copies 24 hours before their consideration, the Senate in voting by a two-thirds vote to "suspend the regular order of business" and take up for consideration H. B. No. 297, a general bill that has not been printed, necessarily suspended Senate Rule 38 and any other Senate rule preventing immediate consideration of the bill. When a motion to suspend the regular order of business to take up a bill for immediate consideration is made, a request that a separate vote be taken on the suspension of each and every Senate rule interfering with the bill's immediate consideration would be a proper request and should be granted by the presiding officer; but in the absence of such a request for a division of the question, the vote on the question of suspending the "regular order of business" is a determination of whether or not all such rules are suspended.

Motion to Adjourn

Senator Carney moved that the Senate adjourn until 10:30 o'clock a. m., Monday, May 19, 1947.

Yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Carney

Chadick

Crawford
Knight
Lane

Moffett
Morris
York

Nays—18

Aikin	Parrish
Bullock	Phillips
Cousins	Proffer
Hardeman	Stanford
Harris	Stewart
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Winfield

Absent

Brown Ramsey

Absent—Excused

Mauritz Weinert
Strauss

Senator Vick offered the following amendment to the bill:

Amend H. B. No. 297, Sec. I, line 29 by adding after the word thereof the following:

"Provided further that upon a declaration by the shipper or owner of the value thereof it shall be the duty of the carrier to insure said property in an amount equal to such value as declared, against loss, destruction, damage or delay in transit of such property."

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend H. B. No. 297 by deleting all of the sentence beginning on line 29 with words "The carrier . . ." and ending with word "property" and inserting in place thereof the following sentence: "Such declared value shall be prima facie evidence of the value of any such property lost, destroyed, damaged or delayed in transit."

Amend caption to conform.

Senator Tynan moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—15

Bullock	Kelley of Hidalgo
Cousins	Kelly of Tarrant
Crawford	Parrish
Hardeman	Phillips
Harris	Stanford
Hazlewood	Stewart

Taylor Winfield
Tynan

Nays—10

Aikin Lane
Carney Morris
Chadick Proffer
Jones Vick
Knight York

Absent

Brown Moffett
Ramsey

Absent—Excused

Mauritz Weinert
Strauss

Question—Shall the bill be passed to third reading?

Bills and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. J. R. No. 24, Proposing an amendment to Section 1-a of Article VIII of the Constitution of Texas forbidding any ad valorem tax levy upon any property within this State for State purposes, with certain provisos.

H. C. R. No. 110, Granting Balmorhea Ranches, Inc., permission to sue the State.

S. B. No. 15, A bill to be entitled "An Act to amend Section 54 of Senate Bill No. 111, passed by the Second Called Session of the 41st Legislature and known as Chapter 61, page 100, of the General Laws passed by the Second Called Session of the 41st Legislature and declaring an emergency."

H. B. No. 615, A bill to be entitled "An Act amending Acts 1945, 49th Legislature, page 229, Chapter 173, providing for the Law Library Fund in certain counties; and declaring an emergency."

H. B. No. 612, A bill to be entitled "An Act to authorize banks and trust companies to remain open on holidays, and to designate certain additional holidays upon which such banks and trust companies may remain closed; providing the effect thereof; and declaring an emergency."

H. B. No. 774, A bill to be entitled

"An Act making it unlawful to kill, take or attempt to take wild deer or wild turkey in the counties of Red River, Lamar, and Fannin for a period of three (3) years; providing a penalty; repealing conflicting laws; and declaring an emergency."

S. C. R. No. 42, Suspending Joint Rules to consider S. B. No. 423 on Wednesday, May 14, 1947.

H. B. No. 292, A bill to be entitled "An Act to amend Title 14 of the Revised Civil Statutes by adding thereto Article 307B, providing that law licenses shall be granted without requirements of passage of the State Bar Examination as to any subject or subjects which the candidate has satisfactorily passed prior to entering the Military Service of the United States in certain Law Schools, etc."

H. B. No. 89, A bill to be entitled "An Act amending Acts 1935, Forty-fourth Legislature, Special Laws, page 1210, Chapter 45, as amended by House Bill No. 281, Acts of 1943, Forty-eighth Legislature, Regular Session, Chapter 207, page 323, prohibiting the transportation of minnows of any and all species out of the counties wherein such minnows are caught, seined, or taken; provided that this Act shall only apply to persons, firms or corporations transporting minnows caught, seined, or taken from the waters of the Counties of McCulloch, San Saba, Gillespie, Llano, Kendall, Blanco, Lampasas, Mason, Parker, Jack, Young and by adding thereto the Counties of Burnet, Williamson, Travis, Hill, Palo Pinto and Stephens; etc., and declaring an emergency."

H. B. No. 797, A bill to be entitled "An Act to amend Subdivision 31 of Article 199, Title 8, of the Revised Civil Statutes of the State of Texas, 1925, amended by Acts 1943, Forty-eighth Legislature, page 23, Chapter 20, paragraph 1, relating to the District Court for the 31st Judicial District so as to include Hemphill County and to change the dates of convening the District Court in the counties of the 31st Judicial District of Texas; etc., and declaring an emergency."

H. B. No. 806, A bill to be entitled "An Act amending Acts 1935, Forty-fourth Legislature, page 401, Chapter 156, Section 1, authorizing the

Commissioners' Court in certain counties to furnish the juvenile officer an automobile and to make allowances for expenses of such officer and his assistants as the Court may think proper; and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act to amend Section 1 of Article XV of House Bill No. 8, Acts of the Forty-seventh Legislature so as to provide that transfers pursuant to an order of the Federal Securities and Exchange Commission which specifies and itemizes the securities ordered by it to be delivered or transferred, shall not be subject to the tax imposed and levied by said Section 1, and declaring an emergency."

S. B. No. 101, A bill to be entitled "An Act amending Article 1302, Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as 'Subdivision 106,' providing for the creation of private corporations for the purpose of operating a general commissary business and to buy, sell, and otherwise deal in goods, wares, merchandise, and equipment incident to such business, and declaring an emergency."

H. B. No. 584, A bill to be entitled "An Act amending Acts 1939, Forty-sixth Legislature, page 605, Section 1, in all counties having a population of more than 140,000 inhabitants and less than 338,000 inhabitants according to the present Federal census, General or Special, providing for the compensation of County Purchasing Agents and their assistant; and declaring an emergency."

H. C. R. No. 124, Making certain corrections in H. B. No. 584.

H. B. No. 674, A bill to be entitled "An Act to amend Article 666, General and Special Laws of Texas, 48th Legislature, Regular Session of 1943, to provide for a method of selling, disposing or transferring of State property which has become unfit for use, or no longer needed; providing a notice of sale; providing for disposition of monies received from sale; and providing for a final report covering sale and disposition; and declaring an emergency."

Adjournment

Senator Aikin moved that the Sen-

ate recess to 2:30 o'clock p. m., today.

Senator Chadick moved that the Senate adjourn until 10:30 o'clock a. m., Monday, May 19, 1947.

Question first recurring on the motion of Senator Chadick, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—16

Bullock	Lane
Carney	Moffett
Chadick	Morris
Crawford	Stanford
Hardeman	Taylor
Harris	Tynan
Kelly of Tarrant	Vick
Knight	Winfield

Nays—9

Aikin	Phillips
Cousins	Proffer
Hazlewood	Stewart
Jones	York
Parrish	

Absent

Brown	Ramsey
Kelley of Hidalgo	

Absent—Excused

Mauritz	Weinert
Strauss	

The Senate, accordingly, at 1:30 o'clock p. m., adjourned until 10:30 o'clock a. m., Monday, May 19, 1947.

SIXTY-EIGHTH DAY

(Monday, May 19, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present.

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Chadick	Phillips
Cousins	Proffer
Crawford	Stewart
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	Winfield
Knight	York